

CalRecycle

10:00 A.M., August 20, 2013

Byron Sher Auditorium
1001 "I" Street
Sacramento, California 95814

Reported by:
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INDEX

	PAGE
K. Compliance and Enforcement Hearings	4
<u>Action Item</u>	
1. Continuance of the Public Hearing to Consider the Issuance of Compliance Order IWMA CR09-003 for the Calaveras County Regional Agency	
Adjournment	63
Reporter's Certificate	64
Transcriber's Certificate	65

1 P R O C E E D I N G S

2 AUGUST 20, 2013

11:59 a.m.

3 **Item K(1) Compliance and Enforcement Hearings**

4 **Action Item 1. Continuance of the Public Hearing to**

5 **Consider the Issuance of Compliance Order IWMA CR09-003**

6 **for the Calaveras County Regional Agency.**

7 CHIEF COUNSEL BLOCK: Okay, we're going to
8 reconvene today's monthly meeting. I'm Elliot
9 Block, the Chief Counsel at CalRecycle, so I'm
10 leading this part of the meeting today.

11 At this point in today's meeting, we're
12 actually going to be a little bit more formal
13 than the items that we've had so far today. This
14 will be a public hearing specifically to consider
15 the issuance of a Compliance Order for the
16 Calaveras County Regional Agency. This is going
17 to be a little bit more structured than our
18 typical hearings, and we do have a Court Reporter
19 present to capture a transcript.

20 I'd like to note that the decision on
21 whether or not to issue a Compliance Order is
22 actually delegated to Mark De Bie, Deputy
23 Director of Waste Permitting and Compliance
24 Mitigation Division. Say that five times fast.

25 In a moment, I'm going to ask everybody

1 that's going to be testifying to rise and be
2 sworn in as a group, we'll just do that once so
3 we can get that out of the way and that will
4 include CalRecycle staff. After that, CalRecycle
5 staff will make a presentation during which I may
6 ask some questions, Mr. De Bie may ask some
7 questions, then Calaveras County and others
8 presenting testimony will have an opportunity to
9 make a presentation again, there may be some
10 questions. And then after those presentations
11 are concluded, Mr. De Bie will have the choice of
12 either announcing his decision immediately or he
13 can take it under submission.

14 So unless there are any questions about
15 that basic process, I'd like everybody that plans
16 on testifying today to stand up so they can be
17 sworn in.

18 [Swearing in]

19 Okay, please raise your right hand. Do
20 you solemnly affirm that the testimony you are
21 about to give in this proceeding will be the
22 truth, the whole truth, and nothing but the
23 truth? All right, thank you.

24 And we will now begin with CalRecycle
25 staff presentations. So I don't know who is

1 starting that off.

2 SUPERVISOR MARSH: Hi. I'm Kathleen
3 Marsh, Supervisor of the Jurisdiction and Product
4 Compliance Unit within CalRecycle. I would like
5 to begin by providing the legal background and
6 framework for today's hearing. It is as follows:

7 Pursuant to Public Resources Code
8 PRC41821, jurisdictions report to the Department
9 annually on their progress in implementing their
10 Diversion Programs and meeting the Diversion
11 requirements. Pursuant to PRC41825, the
12 Department uses these reports and other
13 information to review a jurisdiction's compliance
14 either every two or four years, depending on the
15 compliance status in the previous review.

16 Based on the review, the Department may
17 find that the jurisdiction is in compliance or
18 that it has made a good faith effort to comply or
19 that it is not in compliance with the
20 requirements.

21 The Department's determination utilizes
22 the criteria in its Enforcement Policy, which has
23 been incorporated into statute, specifically
24 PRC41825. If the Department determines that a
25 jurisdiction is not in compliance, the Department

1 shall issue a Compliance Order requiring
2 specified actions designed to bring the
3 jurisdiction into compliance. The jurisdiction
4 is subject to penalties of up to \$10,000 per day
5 if it subsequently fails to implement the
6 Compliance Order.

7 The issue before the Department today is
8 to decide whether the Calaveras County Regional
9 Agency is in compliance with the Diversion
10 requirements or if it has made a good faith
11 effort to comply as defined in the statute, or if
12 it is not in compliance and a Compliance Order
13 should be issued.

14 At this time, I would like to introduce
15 Ashlee Yee to provide staff summary of our
16 findings.

17 INTEGRATED WASTE MANAGEMENT SPECIALIST
18 YEE: Good afternoon. My name is Ashlee Yee.
19 Today, Department staff is bringing forward its
20 2007, 2008 and 2009 Jurisdiction Review findings
21 that the Calaveras County Regional Agency has
22 failed to adequately implement its Diversion
23 Programs. This hearing is a continuance of the
24 August 21, 2012 Public Hearing to consider the
25 issuance of a Compliance Order for the Calaveras

1 County Regional Agency.

2 The Department granted the continuance to
3 the County so the County could further implement
4 and expand Diversion Programs. Staff has
5 continued to independently review the County's
6 program implementation and diversion rates using
7 available information from the County, the
8 County's Annual Reports, Waste Hauler Tonnage
9 reports, and Department databases.

10 Staff's analysis included the residential
11 and commercial sectors. Staff gathered
12 information through consultations,
13 correspondence, and telephone calls with the
14 County staff and the County's Hauler. To get a
15 full representation of the County's efforts,
16 staff conducted several site visits in various
17 seasons from September 2011 through May 2013.
18 This review process helps staff to understand the
19 issues the County needs to address.

20 The statute requires that each
21 jurisdiction develop a plan to divert 50 percent
22 of its solid waste each year to implement that
23 plan. In determining compliance with the waste
24 diversion mandates, statute directs the
25 Department to consider the extent to which a

1 jurisdiction has implemented its program selected
2 in its Source Reduction and Recycling Element,
3 also known as a SRRE, S-R-R-E, and as a factor,
4 but not the determinative factor, the
5 jurisdiction's achievement of the diversion rate,
6 now measured at per capita disposal.

7 To fully understand how the County handles
8 its waste and recycling program, staff has
9 reviewed the entire waste management system
10 within the County since September 2011. Staff's
11 last site visit was conducted on May 31, 2013.

12 While each site visit was a snapshot in
13 time, the County observations were made on
14 multiple visits. Staff found the County's
15 disposed solid waste, which includes trash and
16 recyclables, goes to eight facilities. Six of
17 these facilities are transfer stations, the
18 seventh is Gambi Disposal, and the eighth, Rock
19 Creek Solid Waste facility, is a combined
20 transfer station and landfill. The County does
21 not charge residents a gate fee; instead, the
22 facilities are supported by the County's Solid
23 Annual Waste Parcel Fee.

24 As a part of staff's review, visits to the
25 transfer stations and landfill were conducted.

1 Staff also evaluated the County's key Diversion
2 Programs. The following is a summary of staff's
3 findings:

4 At the landfill and transfer station, the
5 County has provided recycling opportunities for
6 cardboard, scrap metal, appliances, toxics,
7 tires, and mixed recyclables which consist of
8 paper, plastics, cans and glass. However, staff
9 continued to observe most self-haulers disposing
10 recyclables rather than using their recycling
11 bins.

12 The residential diversion, or curbside
13 program, had varied participation by geographic
14 location, however, overall participation within
15 the County continues to be low. Staff found
16 pockets of residential areas where participation
17 was high, was as high as 50 percent, with minimal
18 contamination, yet this is not representative of
19 the entire County. Staff's review of curbside
20 waste bins and the hauler's residential loads at
21 the landfill found significant amounts of
22 recyclables.

23 With regards to the commercial Diversion
24 Program, staff continued to find participation
25 similar to that of the residential program.

1 Commercial participation varied by geographic
2 location. During staff's site visits, staff
3 observed businesses recycling with minimal
4 contamination. However, staff's observations of
5 commercial waste bins and commercial loads at the
6 landfill found significant amounts of
7 recyclables.

8 Staff would like to note that, at this
9 time, the County does have a mandatory commercial
10 recycling plan to meet the requirements of
11 Assembly Bill 341. However, the County does not
12 require commercial businesses to participate in
13 the recycling program. The County does not have
14 a Construction and Demolition, also known as C&D
15 Diversion Ordinance, but it does have a
16 resolution that prohibits contractors from
17 disposing C&D at the County's transfer station.
18 This requires contractors to take C&D to the Rock
19 Creek Solid Waste facility.

20 During staff's site visits, staff did not
21 observe any C&D loads being brought to the Rock
22 Creek Solid Waste facility, however, staff did
23 see patrons dispose of C&D materials at the other
24 transfer stations.

25 Staff did not ask the patrons if they were

1 contractors. Staff also did not observe transfer
2 station attendants asking the patrons not to
3 dispose of their C&D material.

4 The schools' Diversion Program was
5 inconsistent. While staff found that some
6 schools were effectively recovering recyclables,
7 other schools had missing or contaminated
8 recycling bins. Staff recognizes that
9 implementation of this kind of program can be
10 difficult due to the various demands on the
11 education system; however, opportunities are
12 available that can impact the overall recycling
13 at the schools.

14 The County's curbside Green Waste Program
15 had low participation and staff's observation of
16 the collected materials found minimal
17 contamination. Staff observed the residents who
18 did not have curbside Green Waste service
19 sometimes disposed of their Green Waste in the
20 trash bin.

21 Staff also recognizes that self-hauling,
22 composting and burning are other options that the
23 County utilizes; however, more efforts can be
24 taken to impact the Green Waste Program in the
25 County. Staff observed several successful

1 programs, the County's Government Diversion
2 Program was effective. The County Government
3 Building had recycling bins outside the building
4 throughout its hallways and at each employee's
5 desk. The materials in the recycling bins were
6 clean and well sorted.

7 The CRV buy back centers were also
8 effective. The County has four buy back centers
9 and, during staff's observations, the collective
10 recyclables were minimally contaminated.

11 On August 6, 2013, representatives from
12 Calaveras County provided an update to the
13 Diversion Analysis Table found on pages 7 through
14 13 in the hearing item. Staff has distributed
15 copies of the County's update to the Executive
16 Office. The August 6, 2013 report included a
17 number of activities started and changes made
18 since staff's last site visit at the end of May.
19 Staff has not had the opportunity to verify the
20 reported effort prior to this hearing.

21 In addition to staff's review of the
22 Diversion Programs, staff also reviewed the
23 County's per capita disposal rate. Staff used
24 the per capita disposal as an indicator in
25 evaluating program implementation and

1 performance. The County's disposal target is 4.0
2 pounds per person per day. In 2007, the County
3 disposed of 5.9 pounds per person per day; in
4 2008, the County disposed of 4.7 pounds per
5 person per day; and in 2009, the County disposed
6 of 4.1 pounds per person per day.

7 Even though 2010, 2011 and 2012 are
8 outside the jurisdiction review cycle, staff did
9 review the County's per capita disposal rates.
10 The County disposed of 4.4 pounds per person per
11 day in 2010; 4.2 pounds per person per day in
12 2011; and 4.0 pounds per person per day in 2012.

13 Consistent with statute, staff reviewed
14 Calaveras County's progress and the extent to
15 which a jurisdiction has implemented its
16 programs, selected in its Source Reduction and
17 Recycling Element, also known as the SRRE, and
18 added a factor, but not the determinative factor,
19 their jurisdiction's achievement of the diversion
20 rate now measured at per capita disposal.

21 Based on staff's analysis, staff believes
22 the County has not demonstrated that it has
23 adequately implemented its SRRE to achieve the
24 diversion requirements of PRC Section 41780.

25 Although the County is implementing its SRRE

1 selected programs, the programs are not achieving
2 sufficient reductions in disposal to support the
3 diversion requirements.

4 Staff recommends that the Department find
5 Calaveras County Regional Agency has not
6 adequately implemented its SRRE and approve the
7 attached Compliance Order. This concludes
8 staff's presentation. Thank you.

9 CHIEF COUNSEL BLOCK: Mark, did you have
10 any questions before we continue?

11 DEPUTY DIRECTOR DE BIE: No questions,
12 just to observe that I do have the updated
13 information and have been looking at it.

14 CHIEF COUNSEL BLOCK: Okay.
15 Representatives of Calaveras County, I don't know
16 if you've got multiple people and an order that
17 you're going in, but you might as well just come
18 up to the podium, I suppose, that's probably the
19 easiest way, and just make sure to state your
20 name and your position or what organization you
21 represent.

22 MR. GARCIA: Thank you. Tom Garcia,
23 Director of Public Works for Calaveras County.
24 I'm here to give an overview of the County's
25 Integrated Waste Management Program.

1 Calaveras County is rather unique in the
2 state in that we fund our program as stated, by
3 parcel fee, not by gate fee. That allows the
4 residents access to the six transfer stations and
5 the Rock Creek Landfill and transfer site. This
6 helps explain why the majority of the waste
7 disposal is self-hauled, 80 percent being self-
8 hauled, 20 percent being curbside.

9 The benefits of the self-haul are that the
10 residents get to interact with the operators of
11 the transfer stations as they come in, where the
12 operators can educate them on new services or
13 answer questions on the existing Diversion
14 Programs.

15 In addition, complete access to the six
16 transfer stations and Rock Creek Landfill site
17 has minimized illegal dumping within Calaveras
18 County as it's hard to be free when you're
19 disposing of garbage.

20 The specific concerns brought up in the
21 report, I'm going to defer to Cynthia Knapp, our
22 Integrated Waste Manager. And with that, I think
23 I'll turn it over to Cindy and be available to
24 answer any questions.

25 MS. KNAPP: My name is Cynthia Knapp. I'm

1 the Integrated Waste Manager for Calaveras
2 County. I wanted to give an overview of the
3 programs that were put in place in 2007, 2008 and
4 2009. We made quite a few changes during these
5 years. In 2007, the County began accepting
6 single stream recycling, both at our facilities
7 and through curbside. Between 2007 and 2012,
8 mixed recycling tonnage went from 898 tons to
9 1,982 tons, a continuous advantage to our
10 diversion program.

11 In 2007, cardboard compactors were also
12 installed at two of the County transfer stations,
13 which helped increase cardboard recycling.
14 Previously, we had bins at the transfer stations
15 which would fill up and overflow, causing
16 residents to put cardboard in the trash. But
17 since we installed the compactors, the
18 participation rate for cardboard has increased.

19 In 2007 and 2008, the Department also
20 kicked off a Christmas Recycling Program for
21 residents that used curbside and the transfer
22 stations. We put signs out letting people know
23 that all cardboard, recycled wrapping paper, and
24 Christmas trees were recyclable at our County
25 recycling locations and at the curb.

1 In 2008, the County also set aside funds
2 for a new Recycling Guide and, as the website was
3 updated, we stopped circulating Recycling Guides
4 to not impact the waste stream. We are still
5 currently using that website and, in 2009, we did
6 a campaign slogan for Calaverasrecycles.org. For
7 outreach, we handed out bumper stickers and
8 magnets for refrigerators to let people know they
9 could find all recycling opportunities on our
10 website instead of looking through a Recycling
11 Guide.

12 The Department also had significant staff
13 changes in 2009. We lost two managers in the
14 Integrated Waste Management Division, a foreman
15 in our solid waste facility, and a few extra hire
16 employees that would come in and help with our
17 Diversion Programs. There were also staff
18 changes in 2010, which you can see with our
19 disposal numbers had gone up. All County staff
20 including the Integrated Waste Management staff,
21 even though we're in a different budget unit, had
22 to take 10 furlough days throughout the year,
23 which cut staff significantly throughout the
24 year.

25 So those are things that in 2007, 2008 and

1 2009, those were items that helped our diversion.
2 We also have ongoing programs throughout the
3 year, but do you guys have any questions on 2007,
4 2008 and 2009? Any -- okay, so we have continued
5 to increase outreach efforts at the landfill and
6 the transfer stations. Gambi Disposal currently
7 makes 300,000 contacts per year at the transfer
8 stations. Even though we only have 46,000
9 residents in the County, every time a resident
10 comes to a transfer station, the attendant
11 approaches the customer, checks their I.D. to
12 make sure they are a County resident, and in
13 addition to checking their I.D., they hand them a
14 flyer or speak to them about recycling. And this
15 is an effort that we've been working on for the
16 last few years, it's in full force right now and
17 it's helping.

18 The Gambi Disposal has also rearranged a
19 few of the transfer stations to make recycling
20 efforts a little more easier for the residents
21 and, in addition, they've installed a cardboard
22 compactor and Copperopolis since we've had such
23 success at Redhill and Avery, and they're making
24 changes to Wilseyville with cardboard and
25 compaction, they're actually sharing a compactor

1 for trash and cardboard at the transfer station.
2 On one of the days the transfer station is
3 closed, they put a new box in the compactor,
4 empty all the cardboard bins into the compactor,
5 and then set it aside so they can sure one
6 compactor unit for more than one waste stream.

7 And we also have some major changes in our
8 residential diversion program for curbside, and I
9 would like to ask Dave Vaccarezza to come up.

10 MR. VACCAREZZA: Thank you. My name is
11 David Vaccarezza. I'm the owner and president of
12 California Waste Recovery Systems. We recently
13 acquired the assets of the former hauler in
14 Calaveras County and took over the residential
15 waste collection and recycling, as well as Green
16 Waste programs June 1st of 2013. So we're a bit
17 of the new kid on the block. We've been there
18 for the last three months and I've been able to
19 really step back and take a look at the potential
20 that this County really has.

21 To give just a little bit of history about
22 my company, going back into the mid-'80s, we had
23 the experience of putting in the first curbside
24 recycling programs here in Sacramento County, we
25 had the first three cart system in the state in

1 Lodi back in 1992, which was a recycling cart, a
2 smaller trash cart, and a Green Waste Recycling
3 cart, as well. We went on to take our programs
4 into Galt and to what is now the City of Elk
5 Grove, at that time it was a County area, and we
6 were servicing about 60,000 customers at that
7 time.

8 Currently, we provide services to the City
9 of Galt, Rancho Murieta, the surrounding County
10 areas, and provide commercial collection
11 throughout those two Counties, and now we've
12 taken on Calaveras County, and we see tremendous
13 potential in this County for not only the
14 subscription service, but to add to our
15 commercial collection recycling program.

16 Currently, we have about 20 percent of the
17 waste stream that is being collected and recorded
18 at the County. We think that we can increase
19 that subscription rate easily by another 20
20 percent, to bring it up to 40 percent if we're
21 able to -- and we're talking of working with the
22 County to make a few changes. And I'd just like
23 maybe to read in -- I provided a plan to the
24 County earlier this year, the Sustainability Plan
25 for Waste Reduction and Recovery for Calaveras

1 County. And this is somewhat an abbreviation of
2 that plan, so I'll just read it into the record
3 here.

4 "Calaveras County faces a diversity of
5 challenges in order to maintain and in some cases
6 attain compliance with current and pending
7 mandates for solid waste recycling and reduction
8 of landfill volume and greenhouse gas emissions,
9 thus avoiding potential costly fines, penalties
10 for noncompliance. It must also find the most
11 equitable, cost-effective solution that will
12 protect its economic and environmental well
13 being.

14 California Waste Recovery Systems
15 recommends the County consider a multi-pronged
16 approach to these challenges. Key points
17 detailed in our recommendation include
18 standardized services, including a three cart,
19 i.e., trash, green waste, and recycling
20 collection service; using one pass collection
21 vehicles with split bodies to result in route
22 optimization and a standardization of the
23 commercial containers; incentivizing the rates,
24 which encourage recycling and discourage free
25 landfill and transfer station usage, which

1 excessively adds to the waste stream; possibly
2 restricting the disposal of commercial
3 construction and demolition wastes at these
4 facilities and even possibly a fee to discourage
5 landfill use and encourage recycling.

6 In these rates, we would also include a
7 rate system that would discourage increase of
8 volume of waste. An example of this would be
9 providing a 30 gallon container as a standardized
10 service, a 96 gallon recycling container, and a
11 60 or a 90 gallon Green Waste Recycling cart with
12 the notion that, if someone were to go to a 60,
13 say if the rate was \$10.00, the second cart would
14 probably cost \$25.00, so the second cart would
15 cost 1.5 times the cost of the first cart, so
16 that it would discourage as volume goes up, the
17 cost goes up, and the incentive to use a
18 recycling cart goes on.

19 We would also encourage the establishment
20 of a franchise fee payable to the County to help
21 fund and attain the monitoring of all solid waste
22 and recycling regulations. We would propose to
23 expand the current commercial recycling program
24 which currently has a 64 percent participation
25 rate for all those qualifying under A.B. 341.

1 A key component to our proposal is to
2 establish a recovery and transfer facility
3 potentially to be sited in the San Andreas or
4 Toyon Industrial Park Area. Such a facility
5 would confer many benefits upon the County,
6 including a strong focus on material diversion,
7 hazardous waste screening, reduced traffic,
8 improved air quality, and compliance to A.B. 39,
9 A.B. 341, and A.B. 32.

10 We would encourage a public awareness
11 program that would encourage recycling throughout
12 the County. And lastly, a Green Waste processing
13 program which would help the County to achieve
14 current and future mandate diversion percentages
15 while allowing for cost-effective sorting and
16 processing of Green Waste into organic compost
17 co-generation fuel, or both. Cal Waste looks
18 forward to the opportunity of working with
19 Calaveras County to explore these opportunities
20 in detail."

21 You know, I'd just like to say that, you
22 know, we came to Calaveras County because we see
23 a tremendous opportunity here to expand and bring
24 some of the programs that we've had great success
25 throughout the valley and the region that we've

1 serviced, and we believe that we can move toward
2 compliance. While I can't speak for the past
3 haulers, I can tell you that they left a lot of
4 room for a lot of improvement, and it's our
5 intention to step forward and make those
6 improvements and bring Calaveras County into
7 compliance in the future. Thank you for your
8 time, and if you have any questions, I'm
9 available.

10 CHIEF COUNSEL BLOCK: A quick one. The
11 proposal you were reading you submitted to the
12 County, the Regional Agency, when?

13 MR. VACCAREZZA: August 1st. And I can
14 share a copy of that if you'd like.

15 BRANCH CHIEF VAN KEKERIX: Staff has a
16 copy.

17 DEPUTY DIRECTOR DE BIE: I had just not
18 really a question, but a request if you could
19 elaborate a little bit. So you're picking up
20 some of the recyclable streams, commercial and
21 others, right now. Twenty percent for the
22 commercial, was that correct?

23 MR. VACCAREZZA: Yes.

24 DEPUTY DIRECTOR DE BIE: And do you --

25 MR. VACCAREZZA: No, actually we do 20

1 percent of the total waste stream in the county.

2 DEPUTY DIRECTOR DE BIE: Total waste,
3 okay. Thank you. That's what I was looking for,
4 for clarification. And how do you handle that
5 downstream? Do you have a processing facility to
6 pull recyclable materials out of it? Or is it
7 direct haul to a transfer station?

8 MR. VACCAREZZA: Well, we've just
9 instituted, you know -- and I don't know if you
10 can see this -- but these are the collection
11 containers that we are currently putting out at
12 our commercial customers. They are graphic and
13 they have signage on them both in English and in
14 Spanish that instructs the customer how to use
15 the container or people that are passing by, to
16 encourage them to use that container. We are
17 reaching out to all these customers now, we have
18 a separate collection route that currently we're
19 collecting and taking to Valley Springs
20 Recycling, a portion of it, who is a local
21 processor. We just recently built a materials
22 recovery facility in Galt, California. We're
23 processing about 75 to 80 tons of recyclables
24 through our plant each day, so we're positioned
25 to process some of that material ourselves, but I

1 think a key component would be this transfer
2 station in the Toyon Park Area, where we would
3 also be able to take the loads that have C&D in
4 them, process them, you know, perform recovery on
5 them so that we're pulling the metal, the wood,
6 other recyclables that are available. If we had
7 that facility, I think we could easily increase
8 our recycling rates from our construction
9 customers that are currently going to Rock Creek
10 now. So it's our intention to move forward with
11 that. We've just made an offer on a piece of
12 property there and are working with the County to
13 get a non-disposal element processed through the
14 County so we can move forward with our permit.

15 DEPUTY DIRECTOR DE BIE: Great. Thank
16 you.

17 MR. VACCAREZZA: You're welcome.

18 MS. KNAPP: The process to permit a new
19 location should be fairly easy as I've already
20 done one in the Arnold area, so we have the
21 template all set up for that, so that will be
22 fairly quick.

23 As Ashlee mentioned, the County does have
24 a C&D resolution that prohibits commercial
25 contractors using the transfer stations.

1 Recently, we've been letting residents know that
2 the transfer stations are not designed for any
3 C&D, so we have been directing all C&D to our
4 Rock Creek facility; it's going over fairly well
5 at some of the stations. When mixed commercial
6 or residential C&D loads come into Rock Creek,
7 they are sent to the tipping floor or transfer
8 building at our facility.

9 I currently did some work with PG&E. They
10 had called me and they wanted to know what their
11 diversion rate was in the box that they sent to
12 the landfill, or a facility on a weekly basis.
13 PG&E, they would rather pay \$8.00 a cubic yard,
14 what we charge for mixed C&D, and have our
15 maintenance workers sort their load for them. A
16 lot of it is space, a lot of it is ease, but
17 those loads do get sorted and we track those
18 loads. And currently, anywhere between 20 and 60
19 percent of all waste in their box is recyclable,
20 and all recycles are pulled out of that box and
21 we do track that, and we are going to continue to
22 track specifically PG&E because PG&E is working
23 on a Diversion Program within their organization.

24 Calaveras County staff is currently
25 working with two school districts in the County,

1 the County's Recycling Program Coordinator has
2 recently set up visits with the Superintendent of
3 the Schools so she can do site visits to assess
4 the recycling needs of the schools. So she is
5 putting effort into going out to each school,
6 visiting their facility, what type of bins they
7 might need. She'll be able to provide
8 information on what type of grants they can apply
9 for. And right now some of the schools do have
10 weekly recycling activities such as Jenny Lind
11 Elementary School has Monday recycling. Every
12 Monday, every class hauls all their recycling
13 into the multi-purpose room so it can be put in
14 one bin, and each classroom sees how much
15 recycling they have, I'm not sure if they have a
16 reward program, I know about this program because
17 my child attends that school. But our Program
18 Coordinator is going to go into each school and
19 evaluate each program, and then take each program
20 to other schools if they work well. It is hard
21 to get in contact with the schools and get in,
22 but once we're established and we know what
23 programs work, we can help the schools spread
24 those programs throughout the County.

25 Calaveras High School also has an Earth

1 Club and they have different recycling challenges
2 throughout the year for each grade level, and
3 they do have a reward program which suits high
4 schools, they do pizza parties for each grade
5 level, or classroom home room, I believe, they
6 use. But the Program Coordinator will also get
7 more information on that program and try to
8 spread it throughout the school district, which
9 we only have two high schools in the County, two
10 actual high schools. We do have some
11 continuation high schools that are branches of
12 each high school.

13 Calaveras County does own and operate
14 three Green Waste Recycling facilities in the
15 County. The waste there is collected and chipped
16 and transported to a biomass facility. There are
17 also two privately owned wood and yard waste
18 facilities along the Highway 4 corridor, one in
19 Avery and one in Camp Connell. We don't receive
20 diversion numbers from them, but they do operate,
21 we have them on our recycling website so
22 residents in that area know they're available.
23 They do charge the same amount that the County
24 charges, so we're not competing with their
25 business.

1 And the County has also begun some new
2 recycling efforts that are not in the SRRE. We
3 are currently participating in a carpet recycling
4 program which has been very successful and it is
5 in your updated packet. Right now, each trailer
6 is approximately 10 tons and the County is
7 currently filling their seventh trailer. And
8 this is new within the last year and a half,
9 we've been working on this program. The
10 residents really enjoy it. We have a few carpet
11 companies that use the program, but for the most
12 part the participation is from the residents.

13 We also have a couple carpet companies
14 that are going to try to contact CARE directly
15 and get a trailer for their facility. And we
16 also have carpet companies that have a trailer on
17 their own, but we don't get tonnage reports from
18 that.

19 And as Dave mentioned, we have a full
20 service recycling center in Valley Springs now.
21 Currently, all recycling generated in the County
22 is going to that facility and Gambi Disposal
23 hauls recyclables from the transfer stations and
24 currently the curbside hauler is using that
25 facility until other arrangements are made.

1 So we are also continuing to do site
2 improvements at our Redhill facility that accepts
3 yard waste and special waste. We've been using
4 grant funds to update facilities, Hazardous Waste
5 Grant funds, because we do accept special wastes
6 at those sites. So with those updates on the
7 hazardous waste site, it helps residents have
8 better access to the wood and yard waste
9 recycling; because they're not intermixed, we're
10 able to separate the site for more ease of use.

11 Are there any questions regarding
12 programs? I believe -- go ahead.

13 DEPUTY DIRECTOR DE BIE: Yeah, that's very
14 good, thank you. Just a clarification on the
15 C&D, and I have a lot of experience with C&D
16 because we had to write the State Regulations,
17 and part of that issue is definition, so there's
18 an ordinance in the County relative to not being
19 able to dispose of C&D. Is there -- I'm asking
20 your opinion -- do you think there's good clarity
21 out there about what is C&D and what isn't so
22 that, as people make decisions about what to do
23 with certain loads, they have that level of
24 clarity and can make those decisions in an
25 informed way?

1 MS. KNAPP: We get a lot of phone calls
2 regarding C&D, and our website is very clear on
3 what C&D is. As in general public, when they
4 come to -- we do have public that comes to the
5 gate, that they're not aware that their load is a
6 C&D, so what our Attendant does is she hands them
7 an outreach flyer and she informs them, well,
8 there will be an \$8.00 per cubic yard charge, and
9 you will be sent to the building and it will be
10 sorted. So as for our outreach materials, we try
11 to make it very clear. As for getting them out
12 to the public, we hand them out when there are
13 questions.

14 DEPUTY DIRECTOR DE BIE: Okay, thank you.

15 MS. KNAPP: Mary Pitto is going to speak
16 on behalf of commercial recycling, I think.

17 MS. PITTO: Hi. I'm Mary Pitto with the
18 Rural Counties ESJPA. And I just wanted to touch
19 on a couple of programs that Calaveras County
20 has, that I'm very familiar with. And the first
21 one is the Mandatory Commercial Recycling
22 Program. I wanted to let you know that, although
23 she mentioned it in her 2007 through 2009 SRRE
24 that they did have a commercial recycling
25 program, with the onset of the Mandatory

1 Commercial Recycling, A.B. 341, the ESJPA was
2 very involved in helping to develop a mandatory
3 commercial recycling program, a model program for
4 the Rural Counties. We worked very closely with
5 CalRecycle to come up with a program that they
6 could meet the minimum requirements that would
7 still be considered good faith effort. The
8 intent was to have a program that worked within
9 the Rural Counties' limited infrastructure and
10 resources, while knowing that it met the
11 expectations of CalRecycle.

12 Instead of having businesses and
13 jurisdictions measure and report diversion
14 tonnages, CalRecycle is going to be measuring if
15 the Scoping Plan goals have been met by reducing
16 approximately three million tons of solid waste
17 from the commercial sector by conducting a
18 statewide characterization study in 2014. So
19 what should be measured at this point, when
20 you're looking at whether they've met their good
21 faith effort is if they have completed what was
22 in their program.

23 And Calaveras County has met their program
24 goals, which was accepted by CalRecycle. They
25 did put on their website on July 1st the

1 information about mandatory commercial recycling,
2 flyers were distributed to businesses by the
3 hauler, and they did have their direct contact
4 with business associations. In their plan, they
5 were required a minimum of one, and yet they went
6 to several different business associations,
7 Valley Springs and Murphy's Rotary, and had a
8 booth at the fair, so they have been doing their
9 outreach.

10 In their 2012 EAR report, that report then
11 would only be on the last six months of 2012,
12 which was the implementation began July 1 of
13 2012. They are with a new hauler, is doing their
14 monitoring, they're in the process of doing the
15 monitoring and auditing of all the commercial
16 accounts, as he explained, and we'll be
17 contacting each of those companies that haven't
18 been subscribing at this point.

19 Another program I wanted to let you know
20 about, which has been mentioned, is the carpet
21 recycling program. There are only six Counties
22 that volunteered to do the rural carpet recycling
23 program, Calaveras being one of them. We're
24 hoping that, well, as you probably heard earlier
25 today with the new CARE plan, we're hoping to

1 expand that to four more Counties by the end of
2 this year, then an additional six Counties, then
3 to the rest of the Counties. We have been very
4 active with CARE and CalRecycle to make this a
5 successful program. But I wanted to let you know
6 that Calaveras is on the top of all of them as to
7 the amount of carpet that they have received per
8 capita. Siskiyou and Calaveras both have done
9 about one trailer for every 7,500 people, which
10 one of the counties is one trailer per 63,000
11 people, so they are the most successful county
12 along with Siskiyou in the implementation of this
13 program. Also, their loads are very clean.
14 They're clean because they use their staff time
15 to load them and make sure they're done properly,
16 and they have clean loads. And it has taken a
17 significant amount of the staff time to do this
18 implementation. Because of its success, we're
19 hoping, like I said, to roll out to other
20 Counties.

21 And I also wanted to point out that
22 Calaveras actually volunteered a year ago, if we
23 get a mattress EPR bill, they want to be first on
24 the list to start implementing the mattress
25 recycling.

1 I did want to show that, just so you could
2 see graphically, their improvement since 2007.
3 The red shows California average, the green is
4 Calaveras. They started out, as was said, in
5 2007 with 5.9, and now in 2012 they are down to
6 4.0. You do see the glitch in 2010, but that was
7 explained because a lot of it had to do with the
8 loss of personnel. They have had to readjust and
9 improve some of their programs, and now they have
10 some more personnel back on board, but not as
11 much as they did. But I think it just shows you
12 that they have been making a good faith effort,
13 and they have been improving over the years
14 overall.

15 And the last thing I want to state is
16 that, over the last several months I've had the
17 opportunity to be working with Calaveras and
18 their staff and their haulers. And I just wanted
19 to express my observation of what a team effort
20 they have been doing, I mean, they have been a
21 team to try to improve their diversion rates.
22 And I think they've taken it very seriously and I
23 just like the observation of how they have really
24 come together as a team, and not just an
25 individual effort of the County, or them not

1 being involved.

2 MR. SWEETSER: Good afternoon. Larry
3 Sweetser, consultant for the ESJPA. Since I've
4 been at the ESJPA in the year 2000, I've been
5 pretty actively involved in many of the issues
6 here in front of CalRecycle. Since that, I was
7 actually involved with a previous employer since
8 the whole implementation in the beginning of A.B.
9 939, so I've seen a lot going on here. And my
10 job now is to ensure that a lot of the rural
11 considerations are taken into account in all of
12 the deliberations of CalRecycle, I think Mary and
13 I have done a pretty good job at doing that.

14 So on behalf of the ESJPA and our members,
15 we do appreciate your time today, even though the
16 circumstances are a bit regrettable. We've
17 always appreciated CalRecycle's empathy with the
18 rural areas, I think that's evidenced by a lot of
19 the efforts and our meetings and the attendance.

20 Calaveras is the first of our members to
21 ever reach this state. Most of them are in
22 compliance either directly or through reductions,
23 many of them are through good faith efforts. And
24 no one has ever gotten this far in the process.

25 You've already got the information that

1 was submitted earlier, that wasn't part of the
2 public report, and hopefully the information
3 today will also be taken into account in the
4 deliberations.

5 Calaveras is very rural, Tom talked about
6 that. There is no big box stores there, people
7 live there and they shop elsewhere. There are
8 significant seasonal impacts, so we appreciate
9 staff coming out in all seasons to see that
10 impact. Just to prove how rural Calaveras is, I
11 did a little analogy, I took a calculation of all
12 of Cal EPA staff, the entire department, not just
13 people in this building, but the whole list, and
14 divided that out by the City limits of
15 Sacramento. So if you spread out all of Cal EPA
16 staff throughout all of Sacramento City limits,
17 that's how rural Calaveras is, people wouldn't
18 even see each other. So we've got population
19 densities, but we have a lot of rural areas, and
20 that's the challenge that Calaveras faces.

21 I mean, realize today that you're
22 reviewing the 2007 to 2009 period, and many of
23 you were there, that was a time of transition, we
24 were going from the old method to the new
25 disposal method. The ESJPA was very active in

1 that time, we were very early and a continual
2 supporter of switching from the old method the
3 adjustment factors.

4 A couple examples of what motivated us on
5 that, one was Modoc County. That was a case
6 where, under the old system, under disposal
7 reporting, unfortunately they had a fire in one
8 building, burned down a building. That increased
9 their disposal for that quarter about 50 percent.
10 So disposal numbers don't work that well in the
11 rural areas, it's a big problem. Calaveras was
12 another example of why we wanted to switch from
13 that system because one of the adjustment factors
14 was taxable transactions; there are no big
15 outlets there for those taxable transactions. So
16 that kind of number, adjustment factor, was more
17 a fudge factor trying to come up with something
18 to fit into this system. So the numbers don't
19 work. Even a one percent change in disposal
20 tonnage could dramatically impact what the
21 numbers are for Calaveras. A one percent change
22 in disposal numbers pretty much equates to a
23 couple garbage trucks a month, so that would make
24 a big difference in numbers. So, since the
25 numbers -- and Mary showed you the graph, and

1 we're actually quite impressed by that graph on
2 how far things have progressed and how close to
3 compliance on numbers they are. So it's not a
4 question of numbers, it's more a question of the
5 programs.

6 I've looked at the documentation, we've
7 had a lot of time discussing that. And it is
8 staff's conclusion that Calaveras was not
9 adequately implementing the SRE primarily based
10 on program implementation. So one of the common
11 things that I saw in the information was a couple
12 of points with recyclables were present in the
13 trash, excessive amounts or significant amounts,
14 both residential and commercial. And I'll come
15 back to that point. There were notes about staff
16 and contractor, efforts lacking, and I think we
17 demonstrated that that's changed. There was also
18 mention of limited Green Waste programs and C&D,
19 and those are all underway, as well.

20 Cynthia went through some detail on all
21 the programs implemented back in that evaluation
22 period, as well as since, and we think that
23 demonstrates a good faith effort, especially the
24 recent developments. There has been a lot going
25 on, especially in the last few years.

1 There was one point in the findings that
2 kind of struck me, was that there was a quote
3 about several of the Counties' key Diversion
4 Programs have not maximized their effectiveness.
5 And that's a pretty stringent standard. And Mark
6 and I would argue that that is not the standard
7 to be evaluated on is maximum effectiveness.
8 Good faith efforts are the reasonable and
9 feasible efforts -- which is hard to quantify.
10 And although Mr. Block could probably cite this
11 Code Section verbatim, I pulled it out because I
12 like to have something I can actually read and
13 look at again, is Public Resources Code
14 41825(E)(1), "Good faith efforts means all
15 reasonable and feasible efforts by a jurisdiction
16 to implement those programs or activities
17 identified in the source reduction and recycling
18 element or waste element, or alternative programs
19 or activities that achieve the same reasonable
20 results." So we're not looking at maximum
21 effectiveness, we're looking at reasonable and
22 feasible, which is very very subjective on what
23 that means, it's not that quantifiable.

24 What's reasonable and feasible in urban
25 areas like San Francisco or Sacramento, I would

1 argue, is not reasonable and feasible in
2 Calaveras. The same programs will not work to
3 the same effectiveness. For example, the note
4 that there are recyclables in the loads in
5 Attachment 6, there were some pretty ugly
6 pictures and, agreed, it is only a spot shot, but
7 the picture showing 30 percent of a load was
8 recyclables, another one containing 60 percent.
9 So to me, the question is not if the recyclables
10 are present, there's always going to be
11 recyclables present, there's always going to be
12 more that can be done, it's more of a question of
13 what it's going to take to sort that material.
14 The fact that a load with high recyclables comes
15 in and goes to a disposal to me would not be
16 indicative that that's a failure, it's just that
17 more could be done, but is it reasonable and
18 feasible?

19 And one thing that struck me about that is
20 my banana peel. Eliot remember that, and I'm
21 sure Mark De Bie remembers that also, is years
22 ago when we were trying to figure out the
23 difference between a recycling center and a
24 permittable solid waste facility was how much
25 recyclables were in the load. And what it came

1 down to, an analogy that we spent a lot of time
2 on, was how many banana peels had to be in a load
3 for solid waste or recyclables before being
4 deemed solid waste and therefore needing a
5 permit. And I think that is true, too. How much
6 recyclables have to be in a load of solid waste
7 to deem it reasonable and feasible to divert?
8 And that's kind of the question we're looking at,
9 not the fact that it's theirs, what it's going to
10 take to get it out of the waste stream.

11 There was mention of a limited Green Waste
12 program. There are activities going on in Green
13 Waste and what I've mentioned repeatedly both
14 here and other meetings, compost Regs and others,
15 is green material, organics, is different in a
16 rural area than in an urban area. You don't have
17 loads of grass sitting at the curbside waiting to
18 be picked up, you're dealing with brush, you're
19 dealing with pine needles, which don't compost,
20 so you have to find other ways to deal with that.
21 So it's not as easy as collecting that. People
22 don't have the massive lawns that they do in the
23 urban area. So of course there's going to be
24 limited green waste, and then we have to figure
25 out how we're going to deal with the materials we

1 have, not what some other city would do.

2 The Curbside Recycling Program has been a
3 key point in there, as well, marked as low
4 participation. Curbside recycling in rural areas
5 is a pretty challenging experiment. It's not
6 going to be the same as in an urban area. So
7 what is reasonable and feasible going to be for a
8 rural area? I called up a friend to get some
9 numbers on that. In the City, you can actually
10 do 20 to 30 seconds per stop, so in an hour you
11 can do about 120 stops to pick up recyclables, so
12 that garbage truck will cover literally only
13 about 20 to 30 miles in one day, and they'll
14 usually pick up about two loads of recyclables.
15 So that's about 900 to 1,000 customers that they
16 service with one truck. In a rural area, you're
17 talking many more miles to go, and sometimes that
18 truck can easily put on 120, 150 miles in one
19 day, and typically pick up less than one truck
20 worth of recyclables. The same amount of time
21 and effort of truck personnel, but you're picking
22 up far less material. So trying to expand a
23 curbside recycling beyond a densely populated
24 area is extremely difficult and Mr. Vaccarezza
25 has a very good track record in doing this, so

1 he's going to have a big challenge ahead of him
2 in implementing that, and we're looking forward
3 to trying to expand it out there. But to go
4 beyond an urban area is very difficult. So we're
5 trying to make sure that we're not held to the
6 same standard that an urban area is for
7 implementation.

8 Curbside recycling, again, it's an
9 experiment, it's not really a major program
10 you're going to invest a lot of hope in catching
11 massive amounts of recyclables throughout the
12 County, some stuff will get in there, so we're
13 going to have to rely a lot on the volunteer
14 programs.

15 C&D was another one that was addressed.
16 Especially in these economic times, that's a very
17 difficult program to do. The fact that some C&D
18 will go to landfill is going to happen, you can't
19 sit around and wait for loads of C&D to come in
20 with a crew, you're going to have to catch them
21 when you can and implement programs and measures
22 that Calaveras has to try and head it off there.
23 If a customer is going to intentionally dispose
24 of it, then you have to try and target them, as
25 well, and those efforts are all underway.

1 I think you've all heard about our solid
2 waste parcel fee issue. It's very important to
3 the long term viability of the County. There was
4 hopes to have it done sooner, it's being delayed,
5 but that doesn't mean Calaveras put all their
6 hopes into one measure. Many other measures have
7 been going on, it's just not totally relying on
8 that fee. So we're hopeful a fee is going to
9 come, but it's going to take some time. We have
10 to deal with a lot of new ground, Prop. 26, and
11 other things have to be dealt with, the political
12 implications, those all are measures that have to
13 be taken into account on that to ensure long term
14 viability.

15 So in summary -- and I've been around here
16 long enough and I understand the CalRecycle
17 position, that a Compliance Order is to the
18 benefit of a jurisdiction, and I've seen that
19 happen in some cases. I would argue that's not
20 the case for Calaveras, that a Compliance Order
21 would not be that helpful. So we've argued
22 before and that, I think, was successful in
23 getting a year's delay, that a Compliance Order
24 would be detrimental. I don't think our position
25 has changed on that. Just evidenced by all the

1 efforts that have taken place in that last year
2 since that Compliance Order, a lot of things have
3 been put into place. So having a Compliance
4 Order issued would be more of a setback to those
5 efforts than it would be to continuing on the
6 progress at Calaveras going forward. So many of
7 the things that I've typically seen CalRecycle
8 impose in a Compliance Order are already being
9 done, they're being put in place, more effort to
10 strengthen programs, staff directed facilities, a
11 new hauler relationship. So all those pieces
12 that normally would have been in a Compliance
13 Order are already in place, so it doesn't really
14 help to have that sort of a message go back that
15 you had some issues, you're addressing them, all
16 these programs are in place, you invested a lot
17 of resources, time and money into these new
18 programs; we appreciate that, but now we're going
19 to give you a Compliance Order anyway. That sort
20 of -- that sends the wrong message back, not only
21 to Calaveras, but to other jurisdictions, as
22 well. So I really want to caution being careful
23 about going forward with that based upon
24 reasonable and feasible, not to the maximum
25 extent.

1 We got away from the whole bean counting
2 issue of the old system, and unfortunately it
3 looks like we're kind of in a system of bin
4 counting and bottle counting, of how much
5 recyclables are in a load to determine
6 effectiveness and compliance, and that's rather
7 frightening from us. So, to me, it's not a
8 question of how much recyclables are in there as
9 what's being done to address it, are they taking
10 reasonable and feasible efforts. So I would urge
11 you that the pieces are in place already for
12 Calaveras to go forward. The numbers are on
13 target, the programs are on target, and a
14 Compliance Order is just not necessary. So
15 Calaveras, at least in my mind, has met the
16 reasonable and feasible efforts to go forward,
17 it's not maximum effectiveness, but it's
18 reasonable given all the circumstances in
19 Calaveras. So I would urge that. Yes, Mark.

20 DEPUTY DIRECTOR DE BIE: So it sounds like
21 you believe that a different criterion to
22 evaluate Calaveras is being utilized by staff to
23 make findings different from other rural
24 jurisdictions? Is that what the implication is?

25 MR. SWEETSER: It could be. I wasn't

1 present on the inspections. It might have helped
2 if Mary or I could have been along on those to
3 see that, I can't say that, it's just that we
4 have many jurisdictions implementing a lot of
5 programs, many of their numbers are not there,
6 but they've got good faith efforts. So we're
7 kind of scratching our head on why Calaveras
8 doesn't have a good faith effort given that
9 they're implementing programs -- they can always
10 do better, you can always do better on a program,
11 but how much is reasonable and feasible? You're
12 setting a limit for Calaveras on reasonable and
13 feasible, and it does seem like it's a more
14 stringent standard in this case.

15 DEPUTY DIRECTOR DE BIE: All right, I
16 guess I'm struggling a little bit, too, in that
17 Mary observed that most, if not all, of the rural
18 jurisdictions have been able to demonstrate good
19 faith effort, but now we have at least one County
20 that is struggling to do that. I don't have a
21 sense that staff have evaluated Calaveras any
22 differently than other jurisdictions, you've
23 highlighted a couple unique aspects of Calaveras
24 that may be different enough relative to other
25 jurisdictions, so I'm trying to sort out if all

1 things are equal, why is Calaveras sort of coming
2 out a little bit different.

3 MR. SWEETSER: That's kind of our
4 question, too.

5 DEPUTY DIRECTOR DE BIE: Yeah.

6 MR. SWEETSER: And I think staff has done
7 a great job, they've spent a lot of time out
8 there, they have asked a lot of questions of
9 staff. We've been involved in lots of meetings
10 and a lot of information has been provided. And
11 I don't know the answer to that anymore than you
12 do. And that's part of our question, but I think
13 with the efforts that have gone forward, things
14 are in place, things are working, and we view a
15 Compliance Order as being a setback to doing so.

16 MS. CALLAWAY: My name is Merita Callaway.
17 I'm a member of the Board of Supervisors and for
18 at least 15 years I have been the County's
19 representative on our Solid Waste Task Force. I
20 understand State mandates and the County has been
21 supportive, for the most part, with most of the
22 requirements. We have as a County, as a Board,
23 supported the recycling in the County through its
24 good faith efforts and its community outreach.

25 As Mr. Garcia wrote in his letter to Director

1 Mortenson, we've done community meetings, talked
2 to service clubs, we have community cleanup days
3 for recycling, we have a recycle booth at the
4 County fair that we've had for many years, we
5 have recycle containers at public events, we have
6 the flyers and, of course, the website, as was
7 talked about. We spent \$800,000 increasing the
8 size of the transfer station in Avery, which is
9 in my district, because of the volume of recycled
10 products that go through that transfer station.
11 That was about seven or eight years ago, I
12 believe.

13 Transfer stations are also social places.
14 You see your neighbors, you see your friends, you
15 make a lunch date, you make a golf date, you see
16 your County Supervisor and say, "I have a pothole
17 in my road," or "there's a barking dog." So
18 going to the transfer station has its advantages
19 and, as was pointed out, staff is very good about
20 asking what's your street address because we have
21 a lot of second homeowners to make sure of,
22 including doing it to me the last time I was
23 there a couple weeks ago.

24 Our local grocery stores recycle, as does
25 Calaveras Big Tree State Park, but I'm sure you

1 already know that one. Working with our new
2 hauler, Calaveras Waste Recovery, we are --
3 Recovery Systems, excuse me -- we hope to enhance
4 our existing programs with their customers, both
5 residential and commercial. I am a curbside
6 recycler and I also go to the transfer station
7 because Government generates a lot of paper, and
8 the good news is we're allowed to recycle it.

9 Your mandatory commercial recycling
10 program is a State law, but having the County put
11 forth an ordinance to enforce it will not prove
12 productive. Our small businesses are very
13 generous with the communities in which they
14 serve, and this would be just another burden on
15 them. On top of that, the County does not have
16 the resources through the staff of solid waste or
17 code enforcement to enforce an ordinance. We
18 hope working with our new hauler, we'll be able
19 to increase that, especially on the commercial
20 side.

21 Senate Bill -- oh, you can tell I've been
22 in politics too long -- A.B. 341 offers broad
23 discretion to local agencies to develop our own
24 programs and we will do that. As a Supervisor, I
25 need to balance the mandates with reasonable and

1 feasible fiscal and political resources and
2 concerns within our respective County. I'm proud
3 of our record, I'm proud of our staff, I'm proud
4 of our community for making recycle happen, and I
5 hope you'll recognize the contributions Calaveras
6 makes to the State goals.

7 CHIEF COUNSEL BLOCK: Mark, did you have
8 any questions?

9 DEPUTY DIRECTOR DE BIE: No, but just my
10 appreciation for you coming. It's always great
11 to hear that the Board of Supervisors is
12 supportive of the program, so it's nice to hear
13 it directly. Thank you.

14 CHIEF COUNSEL BLOCK: Was there anybody
15 else that was going to speak for the County at
16 this point? Okay, in a moment I'm going to
17 actually allow staff to have something else to
18 say and then the County one more opportunity, as
19 well, if there's something that they say that you
20 want to respond to.

21 I just wanted for clarification purposes,
22 not saying yay or nay on any of the issues that
23 are before us at this point, just to note that
24 the purpose of a Compliance Order, this issue
25 came up in some of the presentations, is not to

1 say some proposed programs and things that the
2 County is working on doing are bad; in fact,
3 typically, the way the Compliance Orders work,
4 and if you look at the draft that's been
5 provided, they leave it up to the jurisdiction to
6 then come back with a plan to say, "Here's what
7 we're going to do." And the Compliance Order
8 itself is a way to -- it's an accountability
9 tool, if you will. So I understand why that
10 still is an issue for Calaveras, but the
11 Compliance Order itself is not punitive unless
12 the plan that's been submitted under that is then
13 not implemented. So I just wanted to clarify
14 that and mention, and I don't know the exact
15 number at this point because I've lost track over
16 the years, but we're probably over the last
17 decade close to 100 jurisdictions that have
18 received Compliance Orders, maybe a little less
19 than that, it may be in the 70's or 80's, but of
20 those I think the number is seven or eight that
21 have been fined, all the rest of them have come
22 off of Compliance Order because they then
23 proceeded to implement those things. So, again,
24 not to say yay or nay to anybody's presentation,
25 but I wanted to put that in the record, that

1 that's the concept that the Department works
2 under in terms of Compliance Orders. Obviously,
3 the County has presented their issue as to what
4 else goes along with that, and I'm not trying to
5 downplay that because that's the reality you deal
6 with, but I just wanted to make sure that context
7 was on the record.

8 So I don't know if staff has anything else
9 they wanted to present or not? I guess not.
10 That's okay. And then I will just check for the
11 record, was there anything else that occurred to
12 anybody at the County that they wanted to say?

13 MR. GARCIA: Tom Garcia. A couple things
14 I did want to mention on the curbside versus
15 self-haul. Currently, the County is going
16 through a General Plan update, it is going to be
17 the recommendation of Public Works that all new
18 development have mandatory curbside recycling,
19 and again we'll work through that as the General
20 Plan Update gets closer to fruition.

21 I also wanted to touch on the Green Waste
22 Recycling Program. We do have a robust Green
23 Waste Recycling Program. We generate thousands
24 and thousands of yards of green waste, which is
25 used as fuel for one of the co-generation plants.

1 We also use the material that can't be used by
2 co-generation as alternative daily cover. We
3 have three sites that accept green waste. It is a
4 huge hauling issue for the County to manage the
5 green waste. We do it effectively and that has
6 been ramping up over the last few years as more
7 co-generation plants have come onboard. We're
8 also able to use the ash generated, the bottom
9 ash generated by the co-generation plants as
10 alternative daily cover, so it's a symbiotic
11 relationship that we're able to benefit each
12 other's programs.

13 Again, the Compliance Order concerns are
14 that the County is currently going through a --
15 we're attempting to have a fee increase for the
16 Integrated Waste Parcel Fee. It is currently
17 supported by the Board of -- well, the Board of
18 Supervisors has expressed some support for it,
19 willing to hear additional discussion on it, we
20 have received support from the Taxpayers League
21 in Calaveras County, and the residents have
22 expressed their support for a fee increase in the
23 Board meetings and at public events that we've
24 had.

25 Unfortunately, the implementation of the

1 fee has been delayed due to 26 and 218. The
2 existing parcel fee -- any addition to the
3 existing parcel fee was deemed by County Counsel
4 to require a study for the entire program, which
5 is what we're currently doing. We had one
6 consultant on board, they finished their work, it
7 was determined that the additional work needed to
8 be done in order to show compliance with the
9 State law on fees. We are going through that
10 process now, rehiring another consultant to
11 finish off the work. It has delayed the
12 implementation of the fee by about a year and a
13 half, but we are proceeding forward on that. We
14 do expect to bring that back before the Board
15 early next calendar year. And with that, I'd be
16 happy to answer any more questions.

17 CHIEF COUNSEL BLOCK: Actually, just a
18 quick question based on that, the additional
19 programs that are now being planned talked about,
20 are they dependent upon that fee to be
21 implemented?

22 MR. GARCIA: No.

23 CHIEF COUNSEL BLOCK: Okay.

24 MR. GARCIA: What's been happening is
25 we've been running the programs to the detriment

1 of long term operations of the landfill.
2 Fortunately, the success in the Diversion Program
3 has reduced the tonnage that's gone to the
4 landfill and we've been able to extend the life
5 of the cell and defer construction of a new cell
6 and closing of the existing for several years.
7 So the funding has not been needed immediately,
8 but in the coming years we will need to implement
9 some type of fee in order to keep the landfill in
10 operation.

11 CHIEF COUNSEL BLOCK: So the fee is
12 necessary ultimately for the long term
13 continuance of those programs, but not to get
14 them ramped up?

15 MR. GARCIA: That's correct. We're
16 ramping up with the fees that we have.

17 DEPUTY DIRECTOR DE BIE: I have a
18 question, too. And thank you very much about the
19 fee and where you're at with it and the studies
20 that are required to move that forward. So I
21 just jotted down the note that you're expecting
22 to come back to the Board of Supervisors early
23 next calendar year.

24 MR. GARCIA: That's correct.

25 DEPUTY DIRECTOR DE BIE: And what would

1 that be? Would that be a request to put
2 something out for the vote? Or is it an update
3 item?

4 MR. GARCIA: No, it's how to proceed with
5 the fee implementation. Right now we're in
6 discussions with County Counsel on whether or not
7 that is going. How we comply with State law on a
8 parcel fee implementation, whether it's going to
9 require 50 percent plus one objecting to, whether
10 it's a simple majority approving, whether it's a
11 two-thirds, or whether it's a weighted vote based
12 on the generation of waste per business or
13 resident. So we're having continued discussions
14 with County Counsel.

15 DEPUTY DIRECTOR DE BIE: Okay, so yet to
16 be determined based on your discussions with
17 counsel.

18 MR. GARCIA: Correct. One of the items
19 that we are working on is a study to gauge waste
20 generation of residential multi-family and
21 various types of businesses and condense that
22 into an EDU. That's what's taken the majority of
23 our time right now.

24 DEPUTY DIRECTOR DE BIE: Thank you.

25 CHIEF COUNSEL BLOCK: Okay, so with that,

1 that concludes the presentation portion of the
2 public hearing. As outlined in the staff report,
3 there are three options for Mark's consideration,
4 1) find that the County is not adequately
5 implementing its SRRE and approve the attached
6 Compliance Order as written, 2) find that the
7 County is not adequately implementing its SRRE
8 and approve the Compliance Order with alternate
9 or additional conditions, and the third option is
10 to find that the County is adequately
11 implementing its SRRE and not issue the
12 Compliance Order.

13 As noted earlier, the Director has
14 delegated the decision on Compliance Orders to
15 Mr. De Bie and he has the option of either
16 announcing a decision right here as we sit, or
17 taking the matter under submission and issuing a
18 decision later. So with that, I will ask Mark
19 how he would like to proceed.

20 DEPUTY DIRECTOR DE BIE: I'm going to go
21 back to the Director and ask her to take back
22 that delegation because it's a tough one, a very
23 very tough one because it's tough and there's a
24 lot of information that I think I need to go back
25 to, both on the relatively new submittal from the

1 County and then the testimony today. I think I
2 need to spend some more time with that and
3 consider all of the information, but hopefully I
4 can do that relatively quickly just so that
5 people aren't left hanging, but I'm not making a
6 decision today. I will consider all of the
7 testimony and hopefully in the next few days be
8 able to render a decision.

9 CHIEF COUNSEL BLOCK: Okay, thank you.
10 And with that, we are concluding the public
11 hearing and closing the public record on this
12 item. So thank you all very much, we appreciate
13 all the time that you've been here, this was a
14 lot to present and talk about and obviously a lot
15 for Mark to consider. And we really appreciate
16 your time and know that it's a nice little drive,
17 as well, from where you are to here. So thank
18 you very much.

19 And then just on the regular agenda, that
20 was our last item. I suppose I can look. I
21 think it's all staff here in the room other than
22 folks from Calaveras, so I don't know if there's
23 any additional public comment? Well, since
24 nobody is jumping up and down and saying they
25 have any, we're going to close the monthly

1 meeting for today.

2 (Thereupon, the meeting was adjourned at

3 1:16 p.m.)

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